



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Labor and Industries

- ☒ Permanent Rule
☐ Emergency Rule
☐ Expedited Rule Making

(1) Date of adoption: January 5, 2004

(2) Purpose: WAC 296-62-300, Hazardous waste operations and treatment, storage and disposal facilities and chapter 296-843 WAC, Hazardous Waste Operations.

The Hazardous Waste Operations rule was rewritten and reorganized for clarity and ease of use for employers and employees. The rule was also revised to require refresher training for supervisors and medical surveillance for employees who wear respirators for 30 or more days a year because these requirements were found to be not at

(3) Citation of existing rules affected by this order:

Repealed: None

Amended: WAC 296-62-300, Hazardous waste operations and treatment, storage and disposal facilities.

(4) Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060

Other Authority: None

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-14-074 on June 27, 2003.

Describe any changes other than editing from proposed to adopted version: See attachment (5.1)

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

☐ Yes ☒ No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- ☐ 31 days after filing
☒ Other (specify) May 1, 2004

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

- ☐ Immediately
☐ Later (specify) _____

CODE REVISER USE ONLY

WSR # 04-02-053

Name (Type or Print)

Paul Trause

Signature

Title

Director

Date

January 5, 2004

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
						-
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
						-
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____
						-

The number of sections adopted at the request of a nongovernmental entity:

New	<u>38</u>	Amended	<u>1</u>	Repealed	_____
					-

The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
					-

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
					-

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
						-
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
						-
Other alternative rule making:	New	<u>38</u>	Amended	<u>1</u>	Repealed	_____
						-

(5.1) Describe any changes other than editing from proposed to adopted version:

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

WAC 296-843-100, Scope.

Revised to better clarify when the rule applies to corrective actions at sites involving cleanup operations covered by the Resource Conservation and Recovery Act (RCRA) of 1976.

WAC 296-843-14005, Establish site control.

Revised Table 1, Site Work Zone Requirements, to clarify intent.

WAC 296-843-300, Definitions.

Revised the definition of Hazardous waste site and Uncontrolled hazardous waste site; and, added the definition of Uncontrolled Release.

Additionally, housekeeping, typographical, and formatting changes have been made to enhance clarity. Changes did not increase requirements.